

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>JAMES A. FORRESTER, DONALD HINER, NORVILLE R. HINER, JR., ROBERT R. SAYERS, ANNAS THOMASON, L. A. GATZ, WARREN L. MEEKS, JOHN C. MYRE, WARREN BLUFSTON and M. G. FUTOR,</p> <p>vs.</p> <p>ENVIRONMENTAL DYNAMICS, INC., a Delaware corporation, FITZGERALD, COWEN & ROBERTS, INCORPORATED, an Oklahoma corporation, JOE L. SAMUEL, an individual, and W. DWIGHT LINDSEY, an individual, and RUSSELL & SAXE,</p> <p>Defts. & Third Party Plaintiffs</p> <p>vs</p> <p>Sharp & Company, Elizabeth Stowell Hager McGee and Elizabeth Stowell Hager McGee as the Executrix of the Estate of Richard K. McGee</p> <p>Third Party Defts.</p> <p>Irvine Ungerman (for) James W. Shepherd (H. Brooks Gutelius) 2305 First Natl. Center Wright Bldg., O.C. 73102 (McGee as Executrix)</p> <p><i>See next page</i></p>		<p>For plaintiff:</p> <p>Richard T. Sonberg Houston, Davidson, Jacoby, Sonberg, Main & Nelson Home Federal Building Tulsa, Oklahoma</p> <p>Robert J. Woolsey (Martin) 602 NBT Bldg., Tulsa 74103 Finch & Finch Sapulpa, Okla. 74066</p> <p>For Def: Rooney McInerney (EDI, Schluneger, Ferneau & Startz) 1300 Pet. Club Bldg. 74119</p> <p>For defendant:</p> <p>G. Michael Lewis (Samuel and Lindsey) Doerner, Stuart, Saunders, Daniel & Langenkamp 1200 Atlas Life Building Tulsa, Oklahoma 74103</p> <p>Joseph Sharp (Sharp & Co.) 200 Franklin Bldg., Tulsa</p> <p>James C. Lang (Fitzgerald, Cowen & Roberts) 411 Thurston Natl. Building Tulsa, Oklahoma 74103 Phil Frazier, 1406 Terrace Drive Tulsa 74104 (3rd party defts) David O. Harris (Eliz. McGee) Court Arcade Bldg., Tulsa 74103</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	R.L.	DISB.
J.S. 5 mailed 11-1-72	Clerk	10/25	R. Sonberg	15.00	
		10-26-72	C.D. No. 19		15 00
J.S. 6 mailed 9-1-73	Marshal				
Basis of Action: violation of SEC Act of 1933 and 1934	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-25-72	Complaint, filed. Summons issued. rm	
11-3-72	Sec. of State's return of service of complaint, filed. Mailed copy to Environmental Dynamics, in Okla. City on 11/2/72. rm (Fee \$3.00)	
11-8-72	Summons, ret. & filed: served W. Dwight Lindsey 10-25-72; Joe L. Samuel, 10-30-72; Fitzgerald, Cowen & Roberts, Inc., 11-1-72, all at Tulsa, Ok.; Environmental Dynamics, Inc., O.C., 11-2-72 (\$21.28)g	
11-15-72	Appl. of defts. Samuel and Lindsey for ext. of time to ans., filed. rm <i>order to J</i>	
11-17-72	Appl. of Deft. Environmental Dynamics, Inc., for Enlargement of Time to Plead or Answer, filed. v <i>order to J</i>	
11-17-72	Order, filed, that defts. Samuel & Lindsey are granted until 11-30-72 to answer complaint. (LB-J)hm (copies mailed)	
11-21-72	Application of Fitzgerald, Cowen & Roberts, Inc. for enlargement of time to plead or answer filed. h <i>order to J</i>	
11-29-72	Order allowing Fitzgerald, Cowen & Roberts, Inc., enlargement of time, filed, to 12-7-72 to plead or answer. (LB-J)hm (copies mailed)	
11-29-72	Order, filed, that deft. Environmental Dynamics, Inc. is granted until 12-2-72 to answer. (LB-J)hm (copies mailed)	
11-30-72	Application of defts. Samuel & Lindsey for extension of time, filed. hm	
12-4-72	Order, filed, that defts. Samuel & Lindsey are granted until 12-30-72 to answer. (LB-J)hm (copies mailed)	
12-1-72	Answer of Deft., Environmental Dynamics, Inc., filed. v	
12-1-72	Third Party Complaint, filed. v	
12-6-72	Interrogatories to deft. Environmental Dynamics, Inc., filed. hm	
12-6-72	Written interrogatories to defts. Fitzgerald, Cowan & Roberts, Inc., Joe L. Samuel & W. Dwight Lindsey, filed. hm	
12-7-72	Application of Fitzgerald, Cowen & Roberts for enlargement of time to plead or answer, filed. hm <i>order to J</i>	
12-11-72	Order allowing Fitzgerald, Cowen and Roberts, Inc. enlargement of time to answer, filed, to 1-8-73. (LB-J)hm (copies mailed)	
12-18-72	U.S. Marshals Service, Return on Summons, filed. Served Sharp & Co., by serving Jack A. Sharp, Jr., in Tulsa, Okla. on 12-13-72, with fees of \$6.36. Served Elizabeth Stowell Hager McGee, by serving Jim Stowell, brother, in Tulsa, Okla., on 12-13-72, with fees of \$3.00. Served Elizabeth Stowell Hager McGee, executrix of the estate of Richard K. McGee, by serving Jim Stowell, brother, on 12-13-72, in Tulsa, Okla., with fees of \$3.00. v	
1-2-73	Application of Eliz. McGee for ext. of time, filed. hm	
1-2-73	Motion of third party deft. Sharp & Company to dismiss and motion for S/J, with brief in support, filed. hm	
1-2-73	Affidavit in support of motion to dismiss, etc., filed. hm <i>(cont.)</i>	

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Title of Case

PROCEEDINGS

JAMES A. FORRESTER, DONALD HINER, NORVILLE
R. HINER, JR., ROBERT R. SAYERS, ANNAS
THOMASON, L. A. GATZ, WARREN L. MEEKS,
JOHN C. MYRE, WARREN BLUFSTON, and M. G.
FUTOR,

Plaintiffs,

MRS. C. T. BRANDT, SARAH BURKHART,
HERBERT M. MANN, CHARLES A. PARKER,
JAMES L. SELSOR and A. L. HOFFMAN,

Additional Plaintiffs,

LOUIS MARTIN, M.D., Intervening Plaintiff
VS

✓ ENVIRONMENTAL DYNAMICS, INC., a Delaware
corporation, FITZGERALD, COWEN & ROBERTS,
INCORPORATED, an Oklahoma corporation,
✓ JOE L. SAMUEL, an individual, and W.
✓ DWIGHT LINDSEY, an individual, and
RUSSELL & SAXE,

Defts. & Third Party Plaintiffs

VS

~~Sharp & Company, Elizabeth Stowell Hager-~~
~~McGee and Elizabeth Stowell Hager McGee~~
as the Executrix of the Estate of
Richard K. McGee

Third Party Defts.

RICHARD K. MCGEE, deceased (now repre-
sented by the "Estate of Richard K.
McGee"), ELIZABETH STOWELL HAGER, now
MCGEE, BROOKS GUTELIUS, JR., S. L.
SCHLUNEGER, E. F. FERNEAU, J. D. STARTZ,
SHARP & COMPANY, CPA

Additional Defendants



DATE	PROCEEDINGS	Date Order or Judgment Noted
1-2-73	Answer of defts. Joe L. Samuel and W. Dwight Lindsey, filed. hm	
1-2-73	Notice to take depositions, filed. hm	
1-2-73	Motion to dismiss of 3rd pt. defts. Stowell and McGee, filed. rm	
1-2-73	Motion to dismiss of 3rd pty def. Sharp & Company, filed. rm	
1-5-73	Order granting application for extension of time originally prescribed in which to answer complaint of plaintiffs and defendants-third party plaintiffs, filed, granting Eliz. McGee until 2-5-73 to answer to complaint of pltf's & defts-third party defts. (LB-J)hm (copies mailed)	
1-5-73	Appl. of Fitzgerald, Cowen & Roberts, Inc., for ext. of time to ans. complaint and ans. interrogatories, filed. rm - Order to J.	
1-9-73	Order allowing Fitzgerald, Cowen & Roberts, Inc. an enlargement of time to plead, answer and answer interrogatories until 2-8-73, filed. (LB-J)hm (copies mailed)	
2-1-73	Appl. of 3rd pty def. Eliz. McGee for ext. of time to answer, filed. rm	Order to 9
2-5-73	Order, filed, granting 3rd party deft. Eliz. McGee 15 days from 1-31-73 to answer. (LB-J)hm (copies mailed)	
2-8-73	Application of Fitzgerald, Cowen & Roberts, Inc. for enlargement of time to plead or answer complaint, filed. hm	
2-8-73	Answer of Fitzgerald, Cowen & Roberts Inc. to pltf's interrogatories, filed. hm	
2-12-73	Order, filed, allowing Fitzgerald, Cowen & Roberts Inc. an enlargement of time to answer to 2-28-73. (LB-J)hm (copies mailed)	
2-12-73	Application of plaintiffs for authority to join additional plaintiffs and defendants, filed. ds	
2-12-73	Request for hearing on motion to create class action, filed. ds	
2-12-73	Memorandum brief of plaintiffs in support of application to join additional parties and request for hearing on class action, filed. ds	
2-14-73	Ans. of Deft. Elizabeth Stowell Hager McGee, Executrix of the Estate of Richard K. McGee, filed. jj	
2-14-73	Hearing held on motion of 3rd party deft. Sharp & Co. to dismiss & for S/J; motion of 3rd party deft. Sharp & Co. to dismiss & motion of third party deft. Eliz. Stowell Hager McGee to dismiss. Motions each sustained & counsel for deft. to prepare formal order. (LB-J)hm	
2-20-73	Order, filed and entered, that motions to dismiss & for S/J of Sharp & Co. & Elizabeth Stowell Hager McGee are hereby sustained & each of named third party defts. are dismissed from litigation. (LB-J)hm (copies mailed)	
2-28-73	Answer of deft. Fitzgerald, Cowen & Roberts, Inc., filed. hm	
3-15-73	Amended answer of deft. Fitzgerald, Cowen & Roberts, Inc., filed. hm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-21-73	Motion of third party deft. Elizabeth Stowel Hager McGee, Exec. of Estate of Richard K. McGee, to dismiss third party complaint or for judgment on the pleadings, filed. g	
3-21-73	Brief in support of motion of third party deft. Elizabeth McGee to dismiss third party complaint or for judgment on pleadings, filed. g	
3-21-73	Memorandum brief by plaintiffs in support of motion to create class action, filed. hm	
3-23-73	Response to Pltfs' Mtn. to Create Class Action, filed. jj	
3-23-73	Response to Pltfs' Appl. to Join Additional Parties, filed. jj	
3-23-73	Response of Sharp & Company and Elizabeth Stowell Hager, to Pltfs' Application to Join Additional Pltfs and Defts., filed. jj	
3-26-73	Case called for hearing on pltfs' application for authority to join additional pltfs & defts and request of pltfs for hearing on motion to create class action. Motion to join addit. pltfs & defts granted & amended complaint to be filed this date. Request for hearing on class action granted & case to be set for evidentiary hearing on determination of class action after answers to amended complaint have been filed. (LB-J)hm	
3-26-73	Order allowing original plaintiffs leave to file first amended complaint, filed. (LB-J)hm	
3-26-73	First amended complaint, filed. hm	
4-4-73	Answer of Fitzgerald, Cowen & Roberts to first amended complaint, filed. hm	
4-5-73	Summons issued to additional parties pltf. and defs. rm	
4-13-73	Appl for ext of time within which to plead or answer of deft. H. BROOKS GUTELIUS, JR., filed. r <i>Copy w/Order to Judge Bohanon</i>	
4-16-73	Summons, ret. & filed: served Elizabeth Stowell Hager McGee, Exec., Elizabeth Stowell Hager McGee, CPA, Sharp & Company, CPA's, 4-10-73; H. Brooks Gutelius, Jr. and E. F. Ferneau, 4-11-73; J. D. Startz and S. L. Schlunegar, 4-13-73, all at Tulsa, Ok. (USM \$27.72)g	
4-17-73	Order granting deft. H. Brooks Gutelius, Jr. until 5-1-73 to answer to First Amended Complaint, filed. (LB-J)g cpies mailed.	
4-23-73	Class action interrogatories to each plaintiff propounded by defendant Elizabeth Stowell Hager McGee, Executrix of the estate of Richard K. McGee, filed. ds	
4-24-73	Motion of Louis Martin, to Intervene, filed. v	
4-24-73	Brief in Support, filed. v	
4-26-73	Motion of Sharp & Co. for more definite statement, filed. ds	
4-26-73	Memorandum brief in support of motion for more definite statements, filed. ds	
4-26-73	Appl. of Deft. Gutelius, Jr. for ext. of time within which to plead or answer, filed. r (Copy w/Order to Judge Bohanon)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
4-30-73	Order extending time within which deft. H. Brooks Gutelius, Jr., may Plead or answer, filed, (to 5-31-73). (LB-J)hm (copies mailed)	
4-30-73	Appl. of Deft. Elizabeth McGee, for ext. of time within which to Answer, filed. jj	
4-30-73	Order extending time within which deft. Elizabeth McGee, may answer, filed. (LB-J)jj (copies mailed by Shepherd)	
4-30-73	Answer of the Deft. James D. Stuart, filed. v	
4-30-73	Answer of the Deft. Steven L. Schluneger, filed. v	
4-30-73	Answer of the Deft. Elmer F. Ferneau, filed. v	
4-30-73	Appl. for extension of time to answer, filed by Deft.s J.L. Samuel & W. D. Lindsey. v	
5-3-73	Order filed, granting defts Samuel & Lindsey an ext until 5-20-73, to answer Pltf's Complaint, filed. (LB-J)r (Copies mailed)	
5-3-73	Entry of Appearance by Attorney for defts: EDI, Schluneger, Ferneau and Startz, filed. jj	
5-10-73	Application of Charles S. Holmes, Atty. for the Deft.s, Environmental Dynamics, Inc., Steven L. Schluneger, Dr. Elmer F. Ferneau, and James Startz, To Withdraw as Attorney of Record, filed. v <i>order to J. [unclear]</i>	
5-14-73	Order filed, granting appl. of Charles S. Holmes to withdraw as counsel of record for defts, Environmental Dynamics, Inc., Steven L. Schluneger, Dr. Elmer F. Ferneau & James Startz. (LB-J)r (Copies mailed)	
5-21-73	Amended Answer of Defendant W. Dwight Lindsey, filed. v	
5-21-73	Amended Answer of Defendant Joe L. Samuel, filed. v	
5-23-73	Defendant's interrogatories to plaintiffs, filed. ds	
5-24-73	Case called for Hearing on Motions. Parties rep. Pltf to file a new complaint within 20 days; defts to file ans within 20 days thereafter. Motion to Intervene - denied, for failure to prosecute. Deft. Dynamics to file responsive brief to mo. of third pty deft. McGee to dismiss third party complaint or for judgment on the pleadings within 10 days; motion of Sharp & Co. for more definite statement sustained. (LB-J)hm	
5-31-73	Answer of deft. H. Brooks Gutelius, Jr., filed. hm	
6-5-73	Letter dated 6-1-73 from Robt Woolsey to J.B. re: opportunity to present Mtn to Intervene. filed. r	
6-12-73	Plaintiff's second amended complaint, filed. ds	
6-25-73	Application of Fitzgerald, Cowen & Roberts for enlargement of time to plead or answer second amended complaint, filed. hm <i>oto</i>	
6-27-73	Application of Deft. Elizabeth Stowell Hager McGee for Extension of Time to Answer 30 days from July 2, 1973 or until August 1, 1973. filed. jj <i>mailed to [unclear]</i>	

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SHEET NO. 3, Page No.6

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-28-73	Application of Environmental Dynamics, Inc., Schluneger, Ferneau and Startz for enlargement of time to plead or answer second amended complaint, filed. hm <i>oto g</i>	
6-29-73	Appl. of Deft. Gutelius for enlargement of time to plead or answer to Pltf.s' second amended complaint, filed. v -order to Judge.	
6-29-73	Application of Joe L. Samuel and W. Dwight Lindsey for enlargement of time to plead or answer second amended complaint, filed. hm <i>oto g</i>	
7-11-73	Stipulation of facts between parties, filed. hm	
7-12-73	Order granting deft. Gutelius additional time within which to plead or answer, filed, granting him until 7-25-73 to answer. (LB-J)hm (copies mailed)	
7-12-73	Order, filed, granting defts. Joe L. Samuel and W. Dwight Lindsey until 7-25-73 to answer second amended complaint. (LB-J)hm (copies mailed)	
7-12-73	Order, filed, granting defts. Environmental Dynamics, Inc., Steven L. Schluneger, Dr. Elmer F. Ferneau & James Startz until 7-25-73 to answer second amended complaint. (LB-J)hm (copies mailed)	
7-12-73	Order allowing intervention and order denying application to create a class action, filed, granting application to intervene of Louis Martin, M.D., and denying application for class action. (LB-J)hm (copies mailed)	
8-2-73	Motion and stipulation to dismiss with prejudice, filed. hm <i>oto g</i>	
8-6-73	Order, filed/ & entered dismissing case with prejudice as to all parties-deft. Pltfs and Defts shall bear their own costs including atty fees. (LB-J)jj copies mailed	